

Exhibit 1

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION – LOS ANGELES

BARKLEY AND ASSOCIATES,)
INC.,)

Plaintiff,)

vs.)

QUIZLET, INC.,)

Defendants.)

Case No. 2:24-CV-05964-WLH-E

Los Angeles, California

November 1, 2024

(2:12 a.m. to 2:38 a.m.)

HEARING

BEFORE THE HONORABLE WESLEY L. HSU
UNITED STATES DISTRICT JUDGE

APPEARANCES: See Next Page

COURT REPORTER: Recorded, VTC

COURTROOM DEPUTY: Holidae Crawford

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PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING.
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1 POSTURE THAT IT'S IN IS THAT IT RELIES ON THINGS OUTSIDE THE FOUR
2 CORNERS OF THE COMPLAINT FOR ME TO REACH A DECISION ON THE
3 MATTER.

4 AND AS A RESULT I THINK THE CASE LAW IS PRETTY CLEAR THAT
5 I CAN'T DO THAT. AND, SO, THE MOTION TO DISMISS WOULD BE DENIED
6 BASED ON MY BEING LIMITED TO THE COMPLAINT BY ITSELF AS THE
7 OPERATIVE DOCUMENT.

8 THAT BEING SAID, THE MOTION ITSELF SEEMS TO CREATE
9 ENOUGH PROBLEMS IN MY MIND AS FAR AS THE CASE GOING FORWARD
10 THAT I WOULD BE INCLINED TO SET AN EARLY SUMMARY JUDGMENT
11 MOTION THAT IS SEPARATE FROM THE ONE -- I NORMALLY -- I KNOW MY
12 CIVIL STANDING ORDER HAS A YOU ONLY GET ONE SHOT AT SUMMARY
13 JUDGMENT.

14 BUT MY INCLINATION WOULD BE IN THIS CASE TO PERMIT THE
15 DEFENDANTS TO MOVE FOR SUMMARY JUDGMENT EARLY IN THE CASE,
16 ESSENTIALLY IMMEDIATELY. AND THEN SEE IF THE PLAINTIFF CAN
17 SURVIVE THAT.

18 SO, THAT IS SORT OF MY BELIEF AS TO HOW THE --
19 PROCEDURALLY I SHOULD HANDLE THE ISSUES RAISED IN THE MOTION TO
20 DISMISS.

21 BUT MS. FINK, I WILL HEAR FROM YOU.

22 MS. FINK: WELL, THANK YOU, YOUR HONOR.

23 WE AGREE -- WE AGREE WITH YOUR SUGGESTION TO FILE AN
24 EARLY MOTION FOR SUMMARY JUDGMENT.

25 I DO WANT TO, IF I MAY, ADDRESS A FEW POINTS WITH --

1 THE COURT: WELL, I THINK IT CERTAINLY WOULD BEHOOVE THE
2 PLAINTIFF TO MAKE THOSE DISCLOSURES BECAUSE IF IT -- AGAIN, MY --
3 MY GOAL HERE IS TO BE AS EFFICIENT AS POSSIBLE.

4 AND IF THEY ARE -- IF THE PLAINTIFF IS HOLDING OUT SIMPLY TO
5 TRY AND GAIN SOME LITIGATIVE ADVANTAGE, THAT IS NOT GOING TO
6 WORK OUT FOR THE PLAINTIFF VERY WELL IN THE END OR WHEN I HAVE
7 SOMETHING TO SAY ABOUT IT.

8 SO -- BUT THAT BEING SAID, I DON'T KNOW ALL THE FACTS.

9 AND I'M HEARING IT FOR THE FIRST TIME AT THE SAME TIME YOU
10 ARE.

11 SO, I GUESS WHAT I PROPOSE IS THAT YOU ALL MEET AND
12 CONFER. SEE IF YOU CAN AGREE ON A LIMITED DISCOVERY SCHEDULE
13 THAT WILL PREPARE ABRA- -- I'M SORRY, WILL PREPARE MS. FINK AND
14 QUIZLET TO BE ABLE TO FILE A MOTION FOR SUMMARY JUDGMENT THAT
15 DOESN'T COUNT AGAINST THEM IN THE REST OF THE CASE SOMETIME IN
16 JANUARY SO THAT IT CAN BE HEARD. AND WE CAN FIND OUT WHETHER
17 OR NOT THERE IS ANY THERE THERE.

18 IF YOU CAN'T AGREE ON A DISCOVERY PRACTICE, WHY DON'T
19 WE DO SOME SORT OF INFORMAL DISCOVERY CONFERENCE LIKE THE
20 MAGISTRATE JUDGES. EACH SIDE CAN SUBMIT, YOU KNOW, A SHORT
21 LETTER BRIEF EXPLAINING WHAT THEY WANT AND WHY THEY WANT IT.

22 AND THEN I'LL HEAR IT AS AN INFORMAL DISCOVERY
23 CONFERENCE.

24 DO YOU WANT TO SET A DATE FOR THAT?

25 MS. FINK: SURE.

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DISCLAIMER

THE INTEGRITY OF THIS TRANSCRIPT MAY BE ADVERSELY AFFECTED
DUE TO MUFFLED AND UNCLEAR AUDIO TRANSMISSION.

I, Dorothy Babykin, attest that the foregoing proceedings provided to me
electronically were transcribed by me to the best of my ability.

/s/ Dorothy Babykin

Dorothy Babykin

Date: 3/4/25